



Report of the Subcommittee on
Economic Development and
Natural Resources

Senate Finance &
Appropriations Committee
Virginia General Assembly

February 10, 2021



SENATE OF VIRGINIA

Senate Finance & Appropriations Committee

**2021 Report of the Economic Development and
Natural Resources Subcommittee
The Honorable David W. Marsden, Chair
February 10, 2021**

Madam Chair and Members of the Committee:

Your Subcommittee carefully reviewed the Governor's proposed budget amendments for the Secretariats of Agriculture & Forestry, Commerce & Trade, and Natural Resources, and thoughtfully considered proposals recommended by our Senate colleagues.

With so many of our small businesses struggling to recover from the effects of the COVID-19 pandemic, the Subcommittee focused much of its attention on initiatives that provide support to a broad cross-section of impacted businesses. Specifically, the Subcommittee recommends \$10.0 million to capitalize a new fund to provide a source of responsible, low-cost credit through Virginia's network of Community Development Financial Institutions. These institutions have the infrastructure and expertise to deliver much needed business financing with an emphasis on minority-owned, Veteran-owned, and woman-owned small businesses. The Subcommittee also proposes allocating \$25.0 million from revenues collected from so-called "gray machines" to provide a new round of small business grants through the Rebuild Virginia program.

Access to broadband and quality, affordable housing are concerns for many Virginians that this pandemic has only made more serious. Our recommendations include a record total investment of \$110 million over the biennium for the Housing Trust Fund, and we support an additional \$3.3 million to continue eviction prevention programs. The budget we recommend also includes \$49.8 million in each year of the biennium for broadband infrastructure grants through the Virginia Telecommunication Initiative. These and other recommended investments in community and economic development demonstrate this

Subcommittee's determination to support our citizens and our employers as we navigate through the unprecedented challenges of this pandemic.

In the area of Natural Resources, your Subcommittee embraces our shared commitment to environmental stewardship and thoroughly supports the Governor's recommendation to provide \$35.0 million in support of continued investments in cost-effective agricultural best management practices that improve the long-term health of our beloved Chesapeake Bay.

Similarly, the Subcommittee recommends maintaining our commitment to improving Virginia's environmental regulatory processes. With a focus on expediting the deployment of clean energy and energy storage solutions, and improving outreach to those communities most adversely impacted by the regulatory process, the Subcommittee endorses the Governor's proposal to restore \$12.0 million at DEQ that was unallotted during the Special Session.

The Subcommittee has listened to our Senate colleagues and has prioritized two key initiatives that we believe truly embrace the priorities of the Senate. Specifically, the Subcommittee recommends providing \$1.4 million for capital improvements to the Rhododendron Lodge at Breaks Interstate Park. As you will all fondly recall, this jewel of Dickenson County was one of the highest priorities of our dear friend Senator Ben Chafin.

Additionally, the Subcommittee has listened to our colleague Senator Reeves, and recommends language to immediately direct the Office of the State Inspector General to review the operations and regulations of the Board of Charitable Gaming. While there is much conjecture with respect to the extent of the concerns that have been identified, the Subcommittee believes that the most prudent and efficient approach to understanding the facts of the matter is to place this review with an independent investigative entity.

We hope it will be the pleasure of the Committee to adopt our amendments.

Respectfully Submitted,

The Honorable David W. Marsden, Chairman

The Honorable Frank M. Ruff, Jr., Vice-Chair

The Honorable Janet D. Howell

The Honorable Richard L. Saslaw

The Honorable Emmett W. Hanger, Jr.

The Honorable George L. Barker

Report of the Subcommittee on Economic Development and Natural Resources

(Recommended Amendments to SB 1100, As Introduced)

(General Fund unless otherwise indicated)

Amendment		SB 1100		
		FY 2021	FY 2022	Biennium
1	AGRICULTURE & FORESTRY			
2	Department Of Agriculture And Consumer Services			
3	Virginia Agriculture Food Assistance Program	\$ -	\$ (100,000)	\$ (100,000)
4	Restore Infrastructure Repairs at Holiday Lake 4-H	\$ 250,000		\$ 250,000
5	Restore International Marketing	\$ -	\$ 131,649	\$ 131,649
6	Charitable Gaming Enforcement and Oversight	<i>Language</i>		
7	Department Of Forestry			
8	Reverse New Training Initiative	\$ -	\$ (316,146)	\$ (316,146)
9	COMMERCE & TRADE			
10	Economic Development Incentive Payments			
11	Shipping and Logistics Grant Fund	\$ -	\$ 6,330,000	\$ 6,330,000
12	Governor's Motion Picture Opportunity Fund	\$ -	\$ 1,000,000	\$ 1,000,000
13	Department Of Housing And Community Development			
14	Virginia Housing Trust Fund	\$ (15,700,000)	\$ -	\$ (15,700,000)
15	Create Virginia Community Development Financial Institutions Fund	\$ -	\$ 10,000,000	\$ 10,000,000
16	Increase Support for Planning District Commissions	\$ -	\$ 294,000	\$ 294,000
17	Increase Funding for Enterprise Zone Program	\$ -	\$ 250,000	\$ 250,000
18	Increase Funding for Industrial Revitalization Fund	\$ -	\$ 500,000	\$ 500,000
19	VATI Pilot Program for Public Broadband Authorities	<i>Language</i>		
20	Virginia Coalfield Economic Development Authority	\$ -	\$ 500,000	\$ 500,000
21	Department Of Labor and Industry			
22	Adjust Funding for Labor Law Services	\$ (175,073)	\$ (500,290)	\$ (675,363)

Report of the Subcommittee on Economic Development and Natural Resources

(Recommended Amendments to SB 1100, As Introduced)

(General Fund unless otherwise indicated)

Amendment		SB 1100		
		FY 2021	FY 2022	Biennium
23	Department Of Small Business and Supplier Diversity			
24	Definition of Small Business	<i>Language</i>		
25	Virginia Economic Development Partnership			
26	Increase Support for Talent Accelerator Program	\$ -	\$ 2,000,000	\$ 2,000,000
27	Fund the International Trade Strategic Plan	\$ -	\$ 930,000	\$ 930,000
28	Virginia Employment Commission			
29	Interest on Federal Cash Advances	\$ -	\$ (6,752,701)	\$ (6,752,701)
30	Virginia Tourism Authority			
31	Heart of Appalachia Tourism Authority Name Change (Technical)	<i>Language</i>		
32	Tourism Promotion Grants (SB 1398)	\$ -	\$ 2,140,000	\$ 2,140,000
33	Virginia Innovation Partnership Authority			
34	Additional Support for the Commonwealth Center for Advanced Manufacturing	\$ -	\$ 1,400,000	\$ 1,400,000
35	Virginia Nuclear Energy Consortium Planning Grant	\$ -	\$ 100,000	\$ 100,000
36	Central Appropriations			
37	Utility Assistance Fund - Remove One-time Restriction	<i>Language</i>		
38	Additional NGF Funding for Rebuild Virginia Grants	<i>NGF</i>		
39	Additional Enactments			
40	Update Utility Debt Forgiveness Language	<i>Language</i>		
41	Update Eviction Moratorium Language	<i>Language</i>		
42	NATURAL RESOURCES			
43	Department Of Conservation And Recreation			
44	Restore Environmental Literacy	\$ -	\$ 170,000	\$ 170,000
45	Restore Riverfront Park	\$ 740,000	\$ -	\$ 740,000

Report of the Subcommittee on Economic Development and Natural Resources

(Recommended Amendments to SB 1100, As Introduced)

(General Fund unless otherwise indicated)

Amendment		SB 1100		
		FY 2021	FY 2022	Biennium
46	Virginia Land Conservation Foundation	\$ -	\$ (3,500,000)	\$ (3,500,000)
47	Project Harmony	\$ -	\$ (4,000,000)	\$ (4,000,000)
48	Breaks Interstate Park	\$ 1,412,000		\$ 1,412,000
49	Mason Neck Water Supply	\$ -	\$ 1,511,600	\$ 1,511,600
50	Invasive Species Workgroup	<i>Language</i>		
51	Department Of Environmental Quality			
52	Erosion & Sediment Control Program for Solar Projects (SB 1258)	\$ -	\$ 230,000	\$ 230,000
53	Energy Storage Program (SB 1207)	\$ -	\$ 115,000	\$ 115,000
54	Nutrient Credit Program Workgroup	<i>Language</i>		
55	Harmful Algae Bloom Mitigation	<i>Language</i>		
56	Hydrofluorocarbon Regulations	<i>Language</i>		
57	Water Quality Enhancement Fee	<i>Language</i>		
58	Department Of Wildlife Resources			
59	Boat Ramp Access Fee Workgroup	<i>Language</i>		
60	Assess Feasibility of State Park at Rapidan Wildlife Management Area	<i>Language</i>		
61	Remove Obsolete Language	<i>Language</i>		
62	Department Of Historic Resources			
63	Historic Property Catalogue	\$ -	\$ 250,000	\$ 250,000
64	Restore Base Operating	\$ 139,238	\$ 139,238	\$ 278,476

Item 105 #1s

Regulation of Charitable Gaming

Agriculture and Forestry

Department of Agriculture and Consumer Services

Language

Language:

Page 99, following line 18, insert:

"D. The Office of the State Inspector General shall, with the assistance of the Office of Charitable and Regulatory Programs, review the regulatory structure of charitable gaming in Virginia, to include, at a minimum: (i) current permitting requirements and exemptions, (ii) net revenue dedicated to charitable activities and which types of gaming revenue is excluded from this calculation, (iii) charitable gaming occurring in remote locations not located in the same jurisdiction as the registered address of the charitable organization, (iv) enforcement of the "social quarters" and "members and guests" limitation, (v) the structure of the Charitable Gaming Board including any changes needed to prevent conflicts of interest, (vi) the adequacy of enforcement and resources dedicated to oversight activities of the Office of Charitable and Regulatory Programs, and (vii) whether regulation of charitable gaming would be more appropriately vested with the Virginia Lottery. The Office of the State Inspector General shall report on their findings to the General Assembly no later than December 1, 2021."

Explanation:

(This amendment directs the Office of the State Inspector General to investigate the operations of the Charitable Gaming Board and recommend any changes needed to prevent conflicts of interest, including an assessment of whether responsibility for the regulation of charitable gaming should be placed under the Virginia Lottery.)

Item 114 #2s

Virginia Coalfield Economic Development Authority

Commerce and Trade

FY20-21

FY21-22

Department of Housing and
Community Development

\$0

\$500,000 GF

Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$129,038,362".

Page 114, after line 46, insert:

"O. Out of the amounts in this Item, \$500,000 the second year from the general fund is

provided for the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission designated for initiatives intended to expand education and telehealth access. Such funds for grants shall be managed by the Virginia Coalfield Economic Development Authority."

Explanation:

(This amendment would provide \$500,000 GF the second year for the Lenowisco Planning District Commission and Cumberland Plateau Planning District Commission designated for initiatives intended to expand education and telehealth access. Funding for grants would be managed by the Virginia Coalfield Economic Development Authority.)

Item 114 #3s

Virginia Community Development Financial Institutions Fund

Commerce and Trade	FY20-21	FY21-22	
Department of Housing and Community Development	\$0 0.00	\$10,000,000 3.00	GF FTE

Language:

Page 110, line 42, strike "\$128,538,362" and insert "\$138,538,362".

Page 114, after line 46, insert:

“O.1. Out of the amounts in this Item, \$10,000,000 the second year from the general fund is provided to establish a special, non-reverting Virginia Community Development Financial Institutions (CDFI) Fund to provide grants to community development financial institutions (CDFIs), community development enterprises (CDE), or other such similar entities as permitted by law, whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small businesses or community revitalization real estate projects in Virginia. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. Of the amounts included in this paragraph, up to \$300,000 the second year from the general fund is provided to the Department for administrative costs.

2. The Department is hereby authorized to develop appropriate criteria and guidelines for the use of funding provided to the Virginia Community Development Financial Institution Fund. The Department shall award grant funding based on these criteria and guidelines and may enter into a contractual agreement with eligible CDFIs or similar private entities to make grants and lending to small businesses adversely impacted by the COVID pandemic. An eligible qualifying CDFI shall be a community development bank, community development credit union, or other similar private entity that the Department finds is (i) established to conduct business legally

within the Commonwealth; (ii) subject to oversight by federal or state financial institutions or insurance regulatory agencies, as appropriate; and (iii) eligible for certification by the U.S. Department of Treasury as a community development financial institution or other similar charter or principles which require support of small businesses.

3. The community development bank, community development credit union, or other similar organization is intended to be a source of targeted lending and investment with the capacity to provide a high degree of leveraging for economic development and business support activities within communities throughout the Commonwealth. These activities may include loans and investments to start or expand small businesses, operating and working capital, property renovation or development, and financial services with a focus on small businesses impacted by the COVID pandemic. The entity may also provide services that help ensure that credit is used effectively, such as technical assistance to small businesses and credit counseling to consumers.

4. On or before December 1 of each year, the Department shall report to the Secretary of Commerce and Trade, the Governor, and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on such other matters regarding the Fund as the Department may deem appropriate, including the amount of funding committed to projects from the Fund, or other items as may be requested by any of the foregoing persons to whom such report is to be submitted."

Explanation:

(This amendment establishes the Virginia CDFI Fund (the Fund) within the Department of Housing and Community Development which may be comprised of appropriations, grants and loans from federal, state and private sources, and other types of financial assistance, to provide capital through grants to community development financial institutions (CDFIs), community development enterprises (CDE), or other such similar entities as permitted by law, whose primary purpose is to provide financing in the form of loans, grants or forgivable loans to small business or community revitalization real estate projects in Virginia. The amendment provides \$10.0 million GF the second year to capitalize the Fund.)

Item 128 #1s

Definition of Small Business

Commerce and Trade

Department of Small Business and Supplier Diversity

Language

Language:

Page 122, after line 37, insert:

"I.1. Notwithstanding § 2.2-1604, Code of Virginia, "Small business" shall be defined as a business that is at least 51 percent independently owned and controlled by one or more individuals, or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, is at least 51 percent independently controlled by one or more members, who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business.

2. Notwithstanding § 2.2-4310, Code of Virginia, and for purposes of the Commonwealth's SWaM program certification, "Small business" shall mean (i) a business, independently owned and controlled by one or more individuals, or (ii) in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, controlled by one or more members, who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business."

Explanation:

(This amendment amends the definition of small business to include certain co-ops.)

Item 135 #1s

Additional Support for CCAM

Commerce and Trade	FY20-21	FY21-22	
Virginia Innovation Partnership Authority	\$0	\$1,400,000	GF

Language:

Page 128, line 28, strike "\$40,450,000" and insert "\$41,850,000".

Page 132, line 16, strike "\$925,000" and insert "\$1,925,000".

Page 132, line 29, after "and" strike the remainder of the line.

Page 132, strike lines 30 through 31, and insert:

"(iv) grants to CCAM for seedling research project costs that enable CCAM to market new research programs to prospective and existing industry members. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 39, after "facility." insert: "These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, after line 39, insert:

"4. Out of the appropriation in this item, VIPA shall provide \$400,000 the second year from the general fund to CCAM for the purposes of: (i) attracting federal funds for research projects to

be conducted at CCAM, including marketing, travel, grant proposal writing, and business development costs; (ii) matching funds for federal research programs; and (iii) federal research program costs not reimbursable on federal research awards. These funds shall not revert back to the general fund at the end of the fiscal year."

Page 132, line 40, strike "4" and insert "5".

Page 132, line 42, strike "5" and insert "6".

Page 132, line 48, after "disbursements;" insert:

"(iv) all efforts and costs associated with obtaining federal research grants".

Page 132, line 48, strike "iv" and insert "v".

Explanation:

(This amendment provides an increase of \$1.0 million GF in rent, operating support and maintenance for the Center for Advanced Manufacturing (CCAM), bringing the total to \$1.9 million in both FY 2021 and FY 2022. It includes increased flexibility on currently appropriated matching funds and provides an additional \$400,000 in GF resources for CCAM to attract federal funds.)

Item 373 #2s

Invasive Species Workgroup

Natural Resources

Department of Conservation and Recreation

Language

Language:

Page 451, following line 36, insert:

“R. The Department of Conservation and Recreation and the Virginia Department of Agriculture and Consumer Services shall convene a workgroup including the Department of Forestry, the Virginia Department of Transportation, the Department of Wildlife Resources, the Virginia Native Plant Society, the Virginia Association of Counties, the Virginia Municipal League, Blue Ridge PRISM, the Audubon Society of Northern Virginia, the Virginia Nursery and Landscape Association, the Virginia Agribusiness Council, the Virginia Farm Bureau Federation, and a representative of the Virginia Cooperative Extension Program with expertise in crop and weed sciences to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants. In conducting this assessment, the workgroup shall examine measures to reduce, mitigate, and eliminate the continued sale and use of invasive species as identified in the list of Virginia invasive plant species maintained by the Department of Conservation and Recreation. The workgroup shall evaluate measures including: (i) labeling plants as invasive plant species at

the point of sale; (ii) taxing the sale of invasive plant species and applying revenues to the removal of invasive plant species or the restoration of sites for native habitat; (iii) adding invasive plant species currently being offered for sale to the list of plants declared to be noxious weeds by the Board of Agriculture and Consumer Services through regulations adopted pursuant to Chapter 8 (§ 3.2-800 et seq.) of Title 3.2 of the Code of Virginia (the Noxious Weed List); (iv) supporting education and outreach, including state partnerships with nonprofit organizations dedicated to the preservation of Virginia's natural heritage, regarding the reduction of the use of invasive plant species and the promotion of the use of noninvasive or native plant species as substitutes; and (v) introducing measures to increase the use of native plants on properties and projects owned by localities or the Commonwealth. The workgroup shall submit its assessment, including any recommendations regarding statutory changes and changes to regulations or guidance documents adopted by relevant agencies, including changes related to the placement of plant species on the Noxious Weed Lists, to the Governor and the Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than December 1, 2021.”

Explanation:

(This amendment directs the creation of a stakeholder workgroup to assess the sale and use of invasive plant species in the retail, landscape, greenhouse, and nursery industries and consider measures to reduce or eliminate the sale and use of invasive plant species in the Commonwealth and promote the sale and use of native plants.)

Item 374 #1s

Mason Neck State Park Public Water Connection

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	\$1,511,600	GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$82,736,747".

Page 454, following line 29, insert:

"S. Included in the amounts for this Item is \$1,511,600 the second year from the general fund to connect Mason Neck State Park to a public drinking water supply system."

Explanation:

(This amendment provides \$1.5 million GF in the second year for the costs of connecting Mason Neck State Park to the local municipal drinking water system.)

Item 374 #2s

Breaks Interstate Park

Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$1,412,000	\$0 GF

Language:

Page 451, line 38, strike "\$72,102,316" and insert "\$73,514,316".

Page 452, following line 36, insert:

"4. In addition to the amounts provided in paragraph C.1., the Department is authorized to provide \$1,412,000 in the first year from the general fund for the modernization of the Rhododendron Restaurant and lodge unit repairs."

Explanation:

(This amendment provides \$1.4 million GF in the first year to modernize and repair lodge units and the Rhododendron Restaurant. This investment will support a key component of the Breaks Interstate Park's five-year strategic plan, make the park more sustainable from a maintenance perspective, and significantly boost overnight visitation.)

Item 374 #3s

Virginia Land Conservation Foundation

Natural Resources	FY20-21	FY21-22
Department of Conservation and Recreation	\$0	(\$3,500,000) GF

Language:

Page 451, line 38, strike "\$81,225,147" and insert "\$77,725,147".

Page 452, line 6, following "Virginia." insert:

"Out of the amounts in the second year, and pursuant to the provisions of § 4-13.00 of this Act, the Virginia Land Conservation Foundation shall reserve an amount up to \$5,000,000 for the identification and evaluation of a project focused on the preservation of tribal lands of the Chickahominy Tribe and for the conservation and preservation of River Farm in Alexandria, Virginia. Consideration of these projects shall be consistent with the policies and practices of the Foundation pursuant to § 10.1-1020, Code of Virginia."

Page 454, strike line 17 through line 18.

Explanation:

(This amendment provides for the consideration of one-time funding of up to \$5.0 million for the identification, acquisition of preservation of tribal lands for the Chickahominy Tribe and for the conservation and preservation of River Farm.)

Item 374 #4s

Project Harmony

Natural Resources	FY20-21	FY21-22	
Department of Conservation and Recreation	\$0	(\$4,000,000)	GF

Language:

- Page 451, line 38, strike "\$81,225,147" and insert "\$77,225,147".
- Page 454, line 19, strike "\$5,000,000" and insert "\$1,000,000",
- Page 454, line 21, following "Cemetery" insert ".".
- Page 454 line 21, strike "and creation of".
- Page 454, line 22, strike "the Harmony Living Shoreline Memorial".
- Page 454, line 22, strike "all aspects of".
- Page 454, line 23, strike "the project to include but not limited to".
- Page 454, line 25, following "Farm", strike "," and insert "and".
- Page 454, line 27, following "located", strike "," insert "." and strike the remainder of the line.
- Page 454, strike line 28 through line 29.

Explanation:

(This amendment limits the scope of Project Harmony to the removal and relocation of the Columbian Harmony tombstones from Virginia to the New Harmony Cemetery in Landover, Maryland.)

Item 377 #2s

Erosion & Sediment Control Program: SB 1258

Natural Resources	FY20-21	FY21-22	
Department of Environmental Quality	\$0	\$230,000	GF
	0.00	2.00	FTE

Language:

Page 455, line 31, strike "\$52,900,649" and insert "\$53,130,649".

Page 457, following line 41, insert:

"M. The Director of the Department of Environmental Quality shall convene a working group for the purpose of developing an annual or project-based fee schedule for the the review of erosion and sediment control plans related to solar energy project applications. The working group shall include representatives of (i) private sector companies that own or operate solar energy facilities, (ii) local governments that permit solar facilities, and (iii) other stakeholders determined by the Department to be necessary to the development of the fee schedule."

Explanation:

(This amendment provides the funding for staffing dedicated to the erosion and sediment control program to review for solar project permitting and provide this service to projects upon the request of a locality pursuant to the provisions of SB 1258 of the 2021 General Assembly.)

Item 377 #3s

Nutrient Credit Program Workgroup

Natural Resources

Department of Environmental Quality

Language

Language:

Page 457, following line 41, insert:

"M. The Department of Environmental Quality, in consultation with the Department of Agriculture and Consumer Services and the Department of Forestry, shall establish a workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds. If it is determined that there is impact on farmland retention/availability, the report should include recommendations regarding how the nutrient credit trading regulations and/or underlying statutory authority should be changed to help reduce the loss of prime farmland. If the land for nutrient credits is converted to forestland, the workgroup should identify what protections are in the nutrient credit trading regulations to ensure the forestland is managed under a forestry management plan and/or noxious weed or invasive species are controlled. The review shall be completed and provided to the Chairs of the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Committee on Agriculture, Conservation, and Natural Resources and the Virginia delegation of the Chesapeake Bay Commission by December 1, 2021. The workgroup shall include representatives of the Virginia Agribusiness Council, Virginia Farm Bureau, the Chesapeake Bay Commission, Virginia Cooperative Extension, the Virginia Department of Transportation, Home Builders Association of Virginia, Virginia Association for Commercial Real Estate,

representatives from local Soil and Water Conservation Districts, representatives of local governments, local economic development officials, and other stakeholders deemed appropriate by the Department."

Explanation:

(This amendment directs the creation of a multi-agency workgroup to review the practice of retiring agricultural land for the generation of nutrient credits and determine its impact on agricultural sustainability, farmland retention, farmland preservation, and functions of the nutrient credit exchange in the Virginia portion of the Chesapeake Bay watershed and its subwatersheds.)

Item 382 #1s

DWR Boat Ramp Access Fees

Natural Resources

Department of Game and Inland Fisheries

Language

Language:

Page 461, following line 25, insert:

"Notwithstanding § 29.1-113, Code of Virginia, access permit fees at boat ramps owned or managed by the Department of Wildlife Resources shall not be assessed prior to July 1, 2022, pending a study by the Department on the costs and benefits of such fees and the impact of said fees on recreational users in Virginia. As part of this study, the Department shall convene a stakeholder group for the purpose of developing and providing recommendations on access permit fees, various alternatives, and other issues related to the use and maintenance of Department-owned boat ramp facilities. The stakeholder work group shall be composed of representatives of registered boat owners, paddlecraft liveries, outdoor outfitters, and other non-registered vessel recreational users of such boat ramps, or other affected parties the Department deems necessary. The Department shall report the study findings, conclusions and recommendations to the Governor and Chairs of the House Appropriations and Agriculture, Chesapeake and Natural Resources Committees and the Chairs of the Senate Finance and Appropriations and Agriculture, Conservation and Natural Resources Committees by October 1, 2021."

Explanation:

(This amendment delays by one fiscal year the authority of the Department of Wildlife Resources to assess fees for access to boat ramps it owns or manages.)

Item 479.10 #1s

Update COVID-19 Utility Assistance Fund Language

Central Appropriations

Central Appropriations

Language

Language:

Page 576, line 2, after "account.", strike "Utility customers may only receive a direct payment"
Page 576, strike line 3.

Explanation:

(This amendment removes the restriction that utility customers may only receive assistance from the COVID-19 Utility Assistance Fund once.)

Item 4-14 #1s

Update Eviction Moratorium Language

Effective Date

Effective Date

Language

Language:

Page 728, strike lines 56 through 60 and insert:

“3. If rent is unpaid when due, or if a payment under the terms of a payment plan is unpaid when due, the landlord shall, pursuant to § 55.1-1202, Code of Virginia, serve a written notice on the tenant that informs the tenant of the Virginia Rent and Mortgage Relief Program and provides the website address and statewide telephone number for that program. The written notice shall also provide information on how to reach 2-1-1 Virginia to determine whether there are any other available federal, state and local rent relief programs. The written notice shall also inform the tenant that the landlord shall apply for rental assistance on the tenant's behalf within 14 days of serving the notice on the tenant, unless the tenant pays in full, enters into a payment plan or informs the landlord that they have already applied for rental assistance. The landlord shall apply for rental assistance on behalf of the tenant no later than 14 days after serving the written notice on the tenant, unless they receive the full amount owed by the tenant or confirmation from the tenant that the tenant has applied for rental assistance before the 14th day, or they have entered into a payment plan with the tenant. If the tenant has applied for rental assistance, the landlord shall cooperate with the tenant's application, by providing all information and documentation required to complete the application, including but not limited to the W-9 IRS form and any supporting affidavits. If a tenant who has not paid in full or entered into a payment plan with the landlord within 14 days after the written notice is served refuses to apply for rental assistance and also refuses to cooperate with the landlord in providing

information and documentation required to complete the application made by the landlord, or if such tenant is determined ineligible for rental assistance, or there are no longer funds available through any federal, state or local rental assistance program, the landlord may take action to obtain possession of the tenant's dwelling unit as provided in § 55.1-1251, Code of Virginia.”

Page 729, strike lines 1 through 20.

Page 729, strike lines 28 through 30 and insert:

“f. Nothing in this section shall void any judgment for possession validly obtained by a landlord prior to November 18, 2020; however, a landlord shall not initiate, maintain, or advance any legal process to obtain possession of a dwelling unit for non-payment of the rent unless the landlord complies with the provisions of this Section 8.”

Explanation:

(This amendment updates the language included in Chapter 56, 2020 Special Session I, Acts of Assembly to clarify the requirements for landlords and tenants to apply for rental assistance prior to any evictions-related action occurring. It also removes the 45-day deadline for approval of a pending application for rental assistance.)

Item 4-14 #2s

Update Utility Debt Forgiveness Language

Effective Date

Effective Date

Language

Language:

Page 727, after line 34, insert:

"k. In addition to the relief provided pursuant to clause 7.j., within 60 days after the enactment of this act, a Phase II Utility shall forgive all such utility's jurisdictional customer balances more than 30 days in arrears as of December 31, 2020.

1. In the utility's 2021 triennial review, the provisions of clause 7.k. shall be excluded from the utility's cost of service for purposes of determining any test period earnings and determining any future rates of the utility. In determining any customer bill credits, in the utility's 2021 triennial review, the Commission shall first offset any amounts pursuant to clause 7.k. against the total earnings for the 2017 through 2020 test periods that are determined to be above the utility's authorized earnings band. Such offset shall be made prior to any offset to customer bill credits by customer credit reinvestment offsets.

2. Each Phase II Utility shall, no later than November 1, 2021, submit a report to the Governor, the Chairs of the House Committees on Labor and Commerce and Appropriations, and the

Senate Committees on Commerce and Labor and Finance and Appropriations, and the Chair of the Commission on Electric Utility Regulation, detailing all actions by it pursuant to this act to forgive customer balances."

Explanation:

(This amendment requires that Dominion Energy write off debt owed as of December 31, 2020.)
